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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

JOHN T. SCOTT III
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March 17, 1994

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

Re: GN Docket No. 93-252: Notice of Ex Parte Presentation

Dear Mr. Caton:

On March 16, 1994, S. Mark Tuller, Vice President, Secretary and General Counsel of Bell Atlantic Mobile Systems, Inc., Thomas C. Blum, Director, External Affairs of Bell Atlantic Mobile Systems, Inc., and the undersigned met with the following Commission staff: Gregory Vogt, Judith Argentieri, Nancy Boocker, Barbara Esbin, and Pat Nagle. The purpose of the meeting was to discuss the further proceedings relating to mobile services regulation anticipated by the Commission in this docket (see Second Report and Order, released March 7, 1994, at ¶ 285). A copy of proposed equal access rules, which had been set forth in Bell Atlantic's comments filed November 8, 1993, in this proceeding, was distributed at the meeting, and is attached hereto.

Should there be any questions regarding this matter, please contact the undersigned.

Sincerely yours,

John T. Scott, III

John T. Scott, III

Attachment

cc: Gregory J. Vogt
Judith Argentieri
Nancy Boocker
Barbara Esbin
Pat Nagle

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Equal Access Proposed Rules

RULE ONE: Each Commercial Mobile Radio Service ("CMRS") provider shall offer to all interexchange carriers exchange access and exchange services for such access on an unbundled basis, that is equal in type, quality, and price to that provided to any interexchange service provided by such CMRS provider or an affiliate thereof.

RULE TWO: For purposes of the equal access requirement imposed in RULE ONE, wireless exchange areas shall be deemed to be coterminous with the exchange areas established in the MFJ as modified in subsequent waivers.

RULE THREE: Each CMRS provider must offer unaffiliated IXCs the opportunity to interconnect with the provider either by access tandem connection or by direct connection.

RULE FOUR: No CMRS provider may discriminate between an interexchange service provided by the CMRS provider itself or an affiliate thereof, and any other interexchange carrier in the:

- (a) establishment and dissemination of technical information and interconnection standards;
- (b) interconnection and use of the CMRS providers' service and facilities or in the charges for each element of service;
- (c) provision of new services and planning for an implementation of the construction and modification of facilities used to provide exchange service;

RULE FIVE: Each CMRS provider must notify all interexchange carriers on a nondiscriminatory basis of planned changes to existing network services or the addition of new services that affect the interexchange carriers' interconnection with the CMRS provider's network.

RULE SIX: All customers of a CMRS provider will be free to choose among participating interexchange carriers. All existing and new customers of providers will be sent a ballot and asked to choose an interexchange carrier from among participating interexchange carriers. Each such CMRS provider will list those interexchange carriers in a nondiscriminatory manner and will periodically rotate the listing on a nondiscriminatory basis to ensure that each interexchange carrier has a random chance of being listed at the top of the list. Customers who fail to choose an interexchange carrier will be allocated among interexchange carriers in the same proportion as customers who return their ballots.

RULE SEVEN: Every CMRS provider is required to inform each new customer that the customer has a choice of interexchange carriers. Such CMRS provider may not, at the time of establishment of service and the initial choice of interexchange carrier by the customer, recommend the CMRS provider's own interexchange service over that of an unaffiliated carrier. If a new customer requests additional information concerning any interexchange service offering, including the CMRS carrier's own interexchange service, the CMRS provider will provide the customer, on a nondiscriminatory basis, with any literature provided by, or with the phone number of, the interexchange carrier or carriers about which the customer has requested more information. Subject to the limitation on direct marketing to existing customers noted below, however, nothing in this rule will preclude a provider from otherwise advertising and promoting the CMRS provider's interexchange service in connection with its local CMRS service.

RULE EIGHT: After a customer's initial selection of an interexchange carrier, the personnel of a CMRS provider may actively market the CMRS provider's interexchange services to its customers. However, the CMRS provider may use customer names, addresses, and mobile numbers to market its interexchange service only if it provides that information on the same terms and conditions to unaffiliated interexchange carriers, subject to a written agreement by each interexchange carrier that it will use the information only to market that carrier's interexchange services to the CMRS provider's customers.